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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,506	01/23/2004	Gerald W. Winsor	200314649-1	7228

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EXAMINER

CLOUD, JOIYA M

ART UNIT	PAPER NUMBER
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2444

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/763,506	Applicant(s) WINSOR, GERALD W.	
	Examiner Joiya M. Cloud	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1.42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/23/2004, 07/18/2005, 04/07/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the application filed on 01/23/2004. Claims 1-42 represent User Profile Service.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 33 is drawn towards a computer-readable medium, however such medium is not defined in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 39 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner is unclear what indicates an interest or what constitutes an interest or disinterest in soccer .

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-24 and 33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims may be directed towards software only, which is functional descriptive material, which per se is not statutory.

Claims 1-24 and 33 are directed to software that is not implemented on a computer-readable medium.

As per claims exemplary independent claim 1, the claim is drawn towards a service delivery platform: a gateway having connectivity to a communication network.....an application server having a web services interface connecting the mobile portal to the mobile server. A platform which may be directed towards software only is nonstatutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Bansal et al. **(U.S. Publication No. 2003/0120593 A1, hereinafter Bansal).**

As per claim 1, Bansal teaches a service delivery platform, comprising: a gateway having connectivity to a communication network **(Figure 1)**; a mobile portal having connectivity to the gateway **(Figure 1 and paragraphs [0163] and [0164])**; a mobile server accessible by the mobile portal **(Figure 1)**; and an application server **(Figure 1, paragraph [0045])** having a web services interface connecting the mobile portal to the mobile server, wherein the web services interface includes access to the mobile portal and to an associated database structure containing user profile data **(paragraphs [0060], [0569] and [0570])**, wherein the web services interface can register user profile data for services with the mobile server **(paragraphs [0351] and [0342])**.

As per claim 2, Bansal teaches wherein the web services interface is discoverable and invokeable as a stand-alone web service **(paragraph [0152])**.

As per claim 3, Bansal teaches wherein the application server having the web services interface includes a set of business logic instructions to manage access and control of the user profile data **(paragraphs [0357]-[0359] and [0372])**.

As per claim 4, Bansal teaches wherein the application server having the web service interface uses a web services descriptor language (WSDL) document to register user profile data with the mobile server **(paragraph [0460])**.

As per claim 5, Bansal teaches wherein the WSDL document is automatically generated from a Java Integrated Development Environment (IDE) **(paragraphs [0438] and [0460])**.

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As per claim 6, Bansal teaches wherein the set of business logic instructions can integrate with business rule processing engines external to the platform (**paragraphs [0357]-[0359] and [0372]**).

As per claim 7, Bansal teaches, wherein the application server having the web services interface includes program instruction which can execute to access the mobile server using simple object access protocol (SOAP) (**paragraph [0460]**).

As per claim 8, Bansal teaches wherein the application server having the web services interface includes program instruction which can execute to access the mobile server using Java Messaging Service (JMS) (**paragraph [0459]**).

As per claim 9, Bansal teaches wherein the application server having the web services interface includes program instruction which can execute to access the mobile server using a messaging middleware application (**paragraph [0086]**).

As per claim 10, Bansal teaches wherein the application server having the web services interface includes program instruction which can execute to access the mobile server within a common object request broker architecture (CORBA) (**paragraph [0458]**).

As per claim 11, Bansal teaches wherein the application server having the web services interface includes a middle tier cache to hold retrieved data from the associated database structure (**paragraph [0595], [0992], [0998]**).

As per claim 12, Bansal teaches wherein the application server having the web services interface further includes program instructions to provide session management and to clear the middle tier cache (**paragraphs [0731], [0357]-[0359] and [0372]**).

As per claim 13, Bansal teaches wherein the set of business logic instructions control retrieval, update, and deletion of the user profile data (**paragraph [0064]**).

As per claim 14, Bansal teaches further including instructions to log and debug (**paragraph [0847], Figure 2**).

As per claim 15, Bansal teaches wherein the instructions to log include instructions to: log updates to the associated database structure; log who performed updates; log when updates were performed; log what updates were implemented; log who made requests into the platform; log when requests were made; and log what information was requested (**Figure 28 and paragraphs [0099], [0100] and [0847]**).

As per claim 16, Bansal teaches wherein the business logic instructions include a series of Java classes to implement user profile services (**paragraph [0037]-[0039]**).

As per claim 17, Bansal teaches wherein the mobile server includes a universal business registry of web services (**paragraph [0037]**).

As per claim 18, Bansal teaches wherein the application server having the web services interface and the associated database structure containing user profile data can be accessed directly by the gateway (0).

As per claim 19, Bansal teaches wherein the application server having the web services interface uses templates to define profile elements in the user profile data.

As per claim 20, Bansal teaches wherein the templates are used by program instructions to register the user profile data with the mobile server for application processing.

As per claim 21, Bansal teaches wherein the profile elements are selected from the group of: a user ID; a group ID; a user name; a preferred language; a status; a first name; a last name; a last login timestamp; a street; a street number; a zip; a city; a country; a gender; a mobile subscription; a mobile subscriber ISDN; a current device location; and an email address **(paragraph [0361])**.

As per claim 22, Bansal teaches wherein the application server having the web services interface is accessible across multiple network applications.

As per claim 23, Bansal teaches wherein the application server having the web service interface includes program instructions which can execute to register user profile data in the associated database with a business registry of the mobile server and with a registry on one or more third party servers **(paragraphs [0072], [0469] and [0486])**.

As per claim 24, Bansal teaches a mobile service delivery platform, comprising: a gateway having connectivity to a communication network; a mobile portal having connectivity to the gateway **(Figure 1)**; a mobile server accessible by the mobile portal **(Figure 1)**; and an application server **(Figure 1)** having a web services interface to connect the mobile portal to the mobile server, the application server including a set of business rules associated with accessing an associated database structure containing a compilation of user profile data from multiple

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network sources (**paragraphs [0060], [0569] and [0570]**), wherein the business rules include executable instructions to make the user profile data accessible across multiple network applications (**paragraphs [0357]-[0359] and [0372]**).

As per claim 25, Bansal teaches method for user profile data, comprising: providing business rules to an application server, the business rules associated with accessing user profile data to make a user profile service database accessible across multiple network applications; applying the business rules in response to a request; and accessing the user profile service database when the request has been authorized by the applied business rules (**paragraphs [0357]-[0359] and [0372]**).

As per claim 26, Bansal teaches further including receiving an authorized request from a user of a mobile device to update the user profile data (**paragraph [0361] and [0366]**).

As per claim 27, Bansal teaches further including receiving a request from a mobile device for a service application (**paragraph [0351] and [0359]**).

As per claim 28, Bansal teaches further including the application server receiving identification and location information associated with a mobile device, wherein the application server provides a service application to the mobile device based on the identification and the location information (**paragraphs [0357], [0368], and [0359]**).

As per claim 29, Bansal teaches further including receiving a request from a third party entity to update the user profile data (**paragraphs [0072], [0469] and [0486]**).

As per claim 30, Bansal teaches, further including providing a third party service application to a mobile device based on the user profile data (**paragraphs [0072], [0469] and [0486]**).

As per claim 31, Bansal teaches further including the application server collecting user profile data from a number of third party network databases to populate the user profile service database (**paragraphs [0072], [0469] and [0486]**).

As per claim 32, Bansal teaches method for user profile service, comprising: collecting user profile data from multiple network sources in a localized database; providing business rules to an application server to manage access to the collected user profile data in the database; and allowing different network service applications to access the collected user profile data as determined by the business rules (**paragraphs [0357]-[0359] and [0372]**).

As per claim 33, Bansal teaches a computer readable medium having instructions for causing a device to perform a method, comprising: collecting user profile data from multiple network sources in a localized database; providing business rules to an application server to manage access to the collected user profile data in the database; and allowing different network service applications to access the collected user profile data as determined by the business rules (**paragraphs [0357]-[0359] and [0372]**).

As per claim 34, Bansal teaches mobile services delivery platform, comprising: an application server having a web services interface and accessible by a mobile network; means for storage and access of user profile data on a user profile service database in connection with the web service interface; and means for enabling applications and/or component parts of

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applications to access profile elements in the user profile data and be distributed over the mobile network in connection with the web service interface **(paragraphs [0357]-[0359] and [0372])**.

As per claim 35-38, Bansal teaches wherein the means for storage and access includes a set of computer executable instructions; wherein the means for enabling applications and/or component parts of applications to access profile elements includes a set of computer executable instructions; wherein the application server includes program instructions to deploy, develop, administer, and integrate user profile data with one or more network applications.; and wherein the application server includes program instructions to manage: user demographic information; user privilege, access and rights information; and user service registration information **(paragraph [0069]-[0072])**.

As per claim 39-40, Bansal teaches wherein a profile element in the user profile data indicates an interest in soccer and wherein a profile element in the user profile data indicates an interest in Chinese cuisine and a disinterest in Italian cuisine **(paragraph [0060])**.

As per claim 41-42, Bansal teaches wherein the application server is accessible by wireless voice network and wherein the application server is accessible by a public wireless local area network (PwLAN) **(Figure 1)**.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMC

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444

March 17, 2009